



**BOARD OF SELECTMEN**

**CALENDAR**

**FOR**

**TUESDAY, DECEMBER 6, 2016**

**SELECTMEN'S HEARING ROOM**

- Neil Wishinsky-  
Chairman
- Nancy A. Daly
- Benjamin J. Franco
- Nancy S. Heller
- Bernard W. Greene
- Melvin A. Kleckner –  
Town Administrator

1. **ANNOUNCEMENTS/UPDATES**

**6:30 P.M. Selectmen to announce recent and/or upcoming Events of Community Interest.**

2. **PUBLIC COMMENT**

**Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.**

*Up to fifteen minutes for public comment on matters not appearing on this Calendar shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Selectmen's office at 617-730-2211 or by e-mail at [SOrsini@brooklinema.gov](mailto:SOrsini@brooklinema.gov). The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>*

3. **MISCELLANEOUS**

**Approval of miscellaneous items, licenses, vouchers, and contracts.**

- A. **Question of approving the minutes of November 29, 2016.**
- B. **Question of accepting a grant in the amount of \$3,000.00 from Governor's Highway Safety Bureau for traffic enforcement and public information initiatives.**
- C. **Question of approving the continuation of the Town's subordinate lien priority on Hebrew Senior Life's 1550 Beacon Street property under new financing from MassHousing and HUD.**

4. **CALENDAR**

**Review and potential vote on Calendar Items****5. RESERVE FUND TRANSFER REQUEST**

Question of discussing the condition of existing fire apparatus and the need to acquire a replacement Fire Ladder Truck.

**6. TAX CLASSIFICATION**

Question of adopting the percentages of the local Tax Levy to be borne by each class of real property and personal property for the 2017 Fiscal Year.

- a. Question of setting the Residential Exemption percentage for Fiscal Year 2017.

**7. DISCUSSION OF CHAPTER 40B COMPREHENSIVE PERMIT APPLICATIONS**

Discussion among the Board of Selectmen on strategies to address the influx of Chapter 40B Comprehensive Permit Applications and their cumulative impact.

**8. 455 HARVARD STREET – 40B ELIGIBILITY**

Further discussion and approval of the Board of Selectmen's response to MassHousing's request for comments relative to the application for a Project Eligibility Letter to apply for a Comprehensive Permit at 455 Harvard Street.

**9. CABLE TELEVISION RENEWAL LICENSE TRANSFER**

Question of approving the assignment of the Cable Television Renewal License from Yankee Cable Partners, LLC to Radiate Holdings, LP and to approve transfer of control of the License from Yankee Cable Partners, LLC to Radiate Holdings, LP.

**10. BOARDS AND COMMISSIONS - INTERVIEWS AND POSSIBLE APPOINTMENTS**

**8:00 P.M.** The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:

**Building Commission****George Cole (Reappointment)****Conservation Commission****Deborah Myers (Reappointment)****Human Resources Board****Gerry Raphael (Reappointment)****Park and Recreation Commission****Randolph Meiklejohn (Appointment)****Richard Nangle (Appointment)****Stewart Silvestri (Appointment)****John Bain (Reappointment)****Preservation Commission****David King (Reappointment)****Tree Planting Committee****Liz Erdman (Reappointment) - *postponed*****11. BUILDING COMMITTEE FOR THE 9<sup>th</sup> SCHOOL AT BALDWIN**

**Question of appointing John Doggett of the Advisory Committee to the Building Committee for the 9<sup>th</sup> School at Baldwin.**

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [Lgellineau@brooklinema.gov](mailto:Lgellineau@brooklinema.gov)*





## MINUTES

### BOARD OF SELECTMEN

### IN BOARD OF SELECTMEN TUESDAY, NOVEMBER 29, 2016 6<sup>th</sup> FLOOR HEARING ROOM

Present: Selectman Neil Wishinsky, Selectman Nancy Daly,  
Selectman Benjamin J. Franco, Selectman Nancy S.  
Heller, Selectman Bernard W. Greene

#### OPEN SESSION

Question of whether the Board of Selectmen shall enter into Executive Session for the purpose of discussing the purchase, exchange, lease or value of real property located at 107-111 Cypress Street.

In Open Session- the Chair must state the purpose for Executive Session, stating all subjects that may be revealed without compromising the purpose for which the Executive Session was called.

The Chair then stated the reason(s) for the Executive Session:

*To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;*

On motion it was,

Voted to enter into Executive Session.

Roll call:

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### PROPOSED EXECUTIVE SESSION REAL PROPERTY

Proposed Executive Session for the purpose of discussing the purchase, exchange, lease or value of real property located at 107-111 Cypress Street.

#### ANNOUNCEMENTS/UPDATES

In Board of Selectmen  
Tuesday, November 29, 2016  
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The Board acknowledged that Eleanor Myerson, a former Brookline Selectman has passed away. Mrs. Myerson also served four terms in the State Legislature, representing the 11th Suffolk district (Brookline/ Boston) from 1983 to 1991.

The Baldwin School committee will hold its first meeting tomorrow morning.

November 30<sup>th</sup> St. Adians will be unveiling a plaque honoring its significance in the neighborhood.

Commission for the Arts will hold an open mic night at the Coolidge Corner Library.

The Tree Committee will hold its first meeting Wednesday Dec 7<sup>th</sup>.

The BHS Expansion Study Committee will hold its first meeting Wednesday Dec 7<sup>th</sup>.

Chairman Wishinsky announced that Comcast has once again raised their prices for service, and noted that there are two cable providers in Brookline.

#### PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

*Up to fifteen minutes for public comment on matters not appearing on this Calendar shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Selectmen's office at 617-730-2211 or by e-mail at SOrsini@brooklinema.gov. The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>*

Liz Linder spoke about potential committee members for the Kent and Station Streets air right review. She hopes that there will be adequate neighborhood representation, and noted the Davis Path Committee had good neighborhood representation.

#### MISCELLANEOUS

Approval of miscellaneous items, licenses, vouchers, and contracts.

Question of approving the minutes of November 17, 2016.

On motion it was,

Voted to approve the minutes of November 17, 2016 as amended.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

Question of approving the minutes of November 22, 2016.

Voted to approve the minutes of November 22, 2016.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

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APPROPRIATION TRANSFER

Question of approving the request of Chief Diversity Officer Lloyd Gellineau for an Appropriation Transfer in the amount of \$2,000.00.

Director of Diversity, Inclusion and Community Relations Lloyd Gellineau explained that the budget did not include funding for education and training. Funds are needed for a MCAD training program. There are funds in the Profession/Technical account that could be transferred to cover this expense.

On motion it was,

Voted to approve the request of Chief Diversity Officer Lloyd Gellineau for an Appropriation Transfer in the amount of \$2,000.00.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

TEMPORARY ALL KINDS ALCOHOL SALES LICENSE

Question of granting a Temporary All Kinds Alcohol Sales License to the Olive Connection (Morry Sapoznik, owner) for a private event to be held on Monday, December 12, 2016 from 6:30-8:30pm at 1426 Beacon Street.

On motion it was,

Voted to grant a Temporary All Kinds Alcohol Sales License to the Olive Connection (Morry Sapoznik, owner) for a private event to be held on Monday, December 12, 2016 from 6:30-8:30pm at 1426 Beacon Street.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

TEMPORARY ALL KINDS ALCOHOL SALES LICENSE

Question of granting a Temporary All Kinds Alcohol Sales License to Pine Manor College for a Corporate Dinner Event to be held on Thursday, December 8, 2016 from 3:30-8:30pm at 400 Heath Street.

On motion it was,

Voted to grant a Temporary All Kinds Alcohol Sales License to Pine Manor College for a Corporate Dinner Event to be held on Thursday, December 8, 2016 from 3:30-8:30pm at 400 Heath Street.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

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PERMIT TO SERVE ALCOHOL (NON-SALES, BEER AND WINE ONLY)

Question of granting a permit to serve Alcohol (Non-Sales, Beer and Wine Only) to Larz Anderson Auto Museum for a Post Wedding Reception on Saturday, December 10, 2016 from 3:30-9:30pm at 15 Newton Street.

On motion it was,

Voted to grant a permit to serve Alcohol (Non-Sales, Beer and Wine Only) to Larz Anderson Auto Museum for a Post Wedding Reception on Saturday, December 10, 2016 from 3:30-9:30pm at 15 Newton Street.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

CALENDAR

Review and potential vote on Calendar Items

TAX CLASSIFICATION  
PUBLIC HEARING

Public Hearing on the question of adopting the percentages of the local Tax Levy to be borne by each class of real property and personal property for the 2017 Fiscal Year.

- a. Question of setting the Residential Exemption percentage for Fiscal Year 2017.

Chairman Wishinsky read the Hearing Opening.

Chief Assessor Gary McCabe made the following presentation:

Dear Chairman Wishinsky & Board Members:

The enclosed materials, along with our tax classification presentation, are intended to assist you in determining the percentages of tax levy to be borne by each major class of property (residential, commercial, industrial, personal) and the percentage for the residential exemption (traditionally 20%) for FY2017. The materials include an estimate of the tax rate based on the maximum allowable levy, including the balance of the 2015 override amount of \$1,465,000, and various shift options as well as the tax impact on each property group as represented by the median or mean value by class.

The FY2017 assessments are based on a valuation date of January 1, 2016. The market period used in our sales analysis covered 24-months from July 1, 2014 through June 30, 2016. Over that period the growth in the Brookline residential real estate market continued its upward trend outpacing the Greater Boston market as evidenced by the graph on the fourth page of Tab-1. The graph compares the year over year trend in value changes for one, two, three families and residential condominiums in



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Brookline to the S&P Case-Shiller Home Price Index for the Boston MSA, using 2007 as the base year. We also added a diagram of what we believe are the major factors that contribute to the strong property values in Brookline on back cover of the workbook.

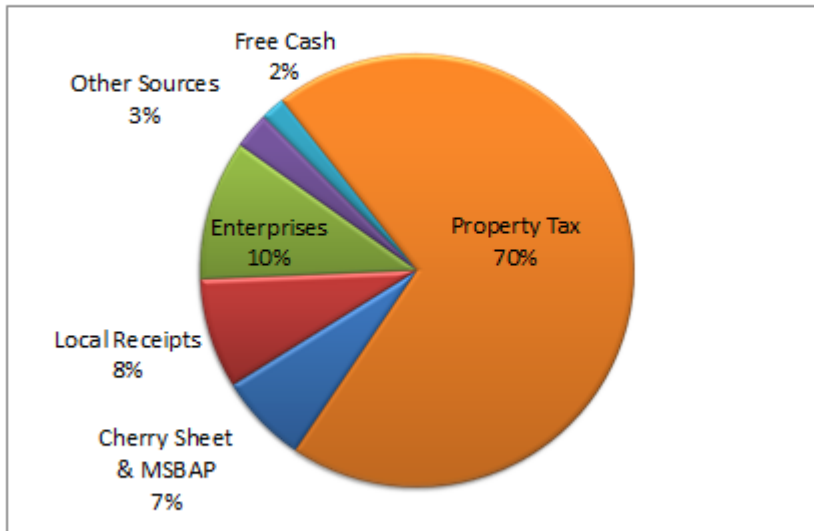
The median sale price of a single family home in Brookline in 2015 was \$1,600,000, a 6.7% increase over 2014. The median sale price of a residential condominium unit in 2015 was \$692,500, a 9.1% increase over 2014. Apartment rental rates continued to increase in all areas of town while vacancy rates continued to decline resulting in a mean value growth of existing complexes of 11%. The commercial property sector continues to increase in value lead by our large office buildings, the Coolidge Corner retail area and the new hotel at 111 Boylston Street. There was also moderate new investment in the public utility infrastructure. Overall the assessed value of all taxable property in Brookline for FY17 increased 10.0% over FY16 to \$21.7 billion, the fifth highest municipality in the state (just 0.56% less than the fourth highest).

**Town of Brookline  
Board of Selectmen  
Fiscal Year 2017  
Tax Classification Hearing  
November 29, 2016**



**Prepared by the Board of Assessors**

### FY2017 Town Budget



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### FY2016–FY2017 Value Comparison

Class	FY16 Valuation	FY17 Valuation	Δ
Residential	\$17,723,210,800	\$19,477,019,400	9.9%
Commercial	1,748,141,400	1,942,174,300	11.1%
Industrial	12,993,500	14,618,500	12.5%
Personal Property	207,182,076	230,816,841	11.4%
Total Taxable Property	\$19,691,527,776	\$21,664,629,041	10.0%
Combined CIP	1,968,316,976	2,187,609,641	11.1%
Tax Exempt (1)	2,183,749,900	2,134,474,200	-2.3%

(1) TVAB removed from exempt (121A) to taxable

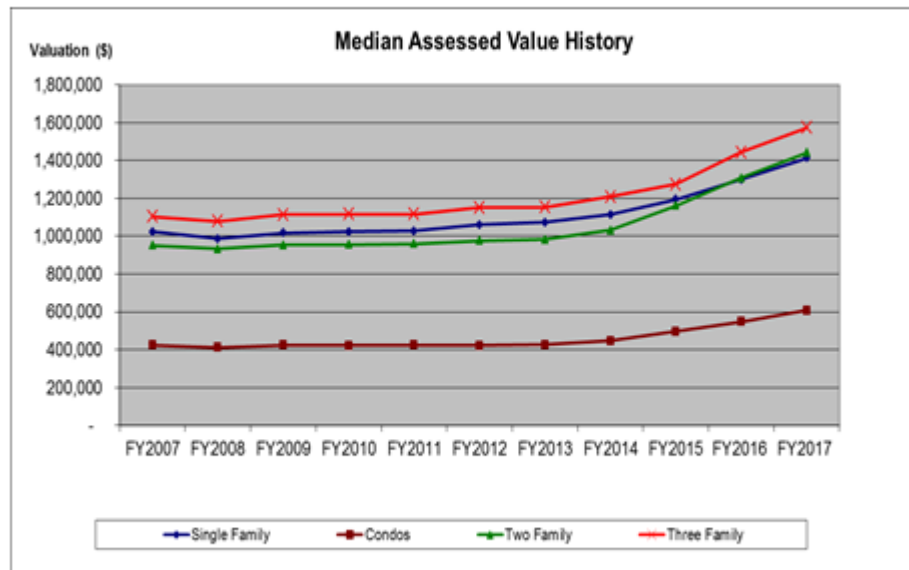
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## FY17-FY16 Value Change/ Class

Use Class	FY17 Parcels	FY17 Value/ Parcel*	FY16 Value/ Parcel*	Δ
Single Family	4,565	\$1,715,807	\$1,590,820	7.9%
Res. Condo	10,074	687,520	619,430	11.0%
2 & 3 Family	1,293	1,517,454	1,376,415	10.2%
Apartments	327	5,402,156	4,779,125	13.0%
Commercial	462	3,631,360	3,224,540	11.9%
Industrial	7	2,088,357	1,856,215	12.5%

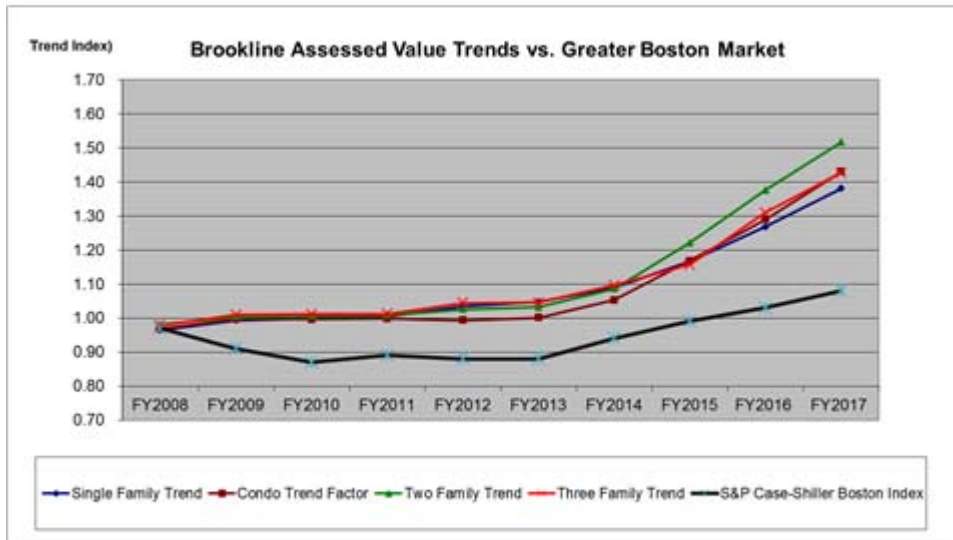
\* Based on Weighted Mean

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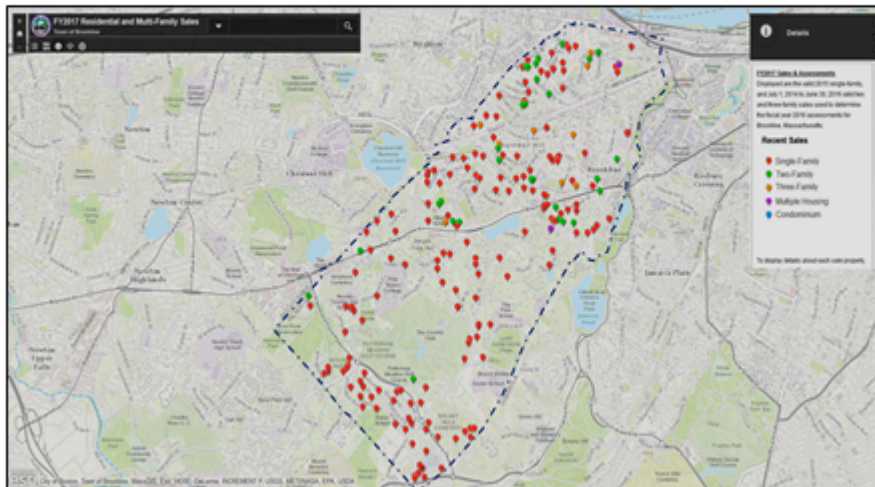
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## FY2017 Assessment-Sales Map

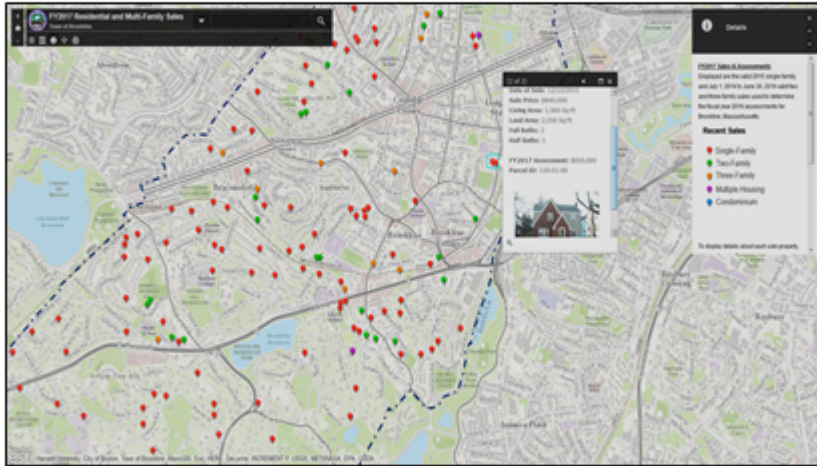
[www.brooklinema.gov/assessors-office](http://www.brooklinema.gov/assessors-office)



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## FY2017 Assessment-Sales Map

[www.brooklinema.gov/assessors-office](http://www.brooklinema.gov/assessors-office)



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## FY17 New Growth

Category	Value Growth	Tax Growth
Single Family Permits	\$70,851,000	\$738,267
Res. Condominiums	31,009,600	323,120
Multi-Family & Apts. (1)	75,000,980	781,510
Commercial & Industrial (2)	22,796,210	387,308
Personal Property	28,338,137	481,414
Total All Classes	\$227,992,927	\$2,711,620

(1) Includes TVAB from 121A

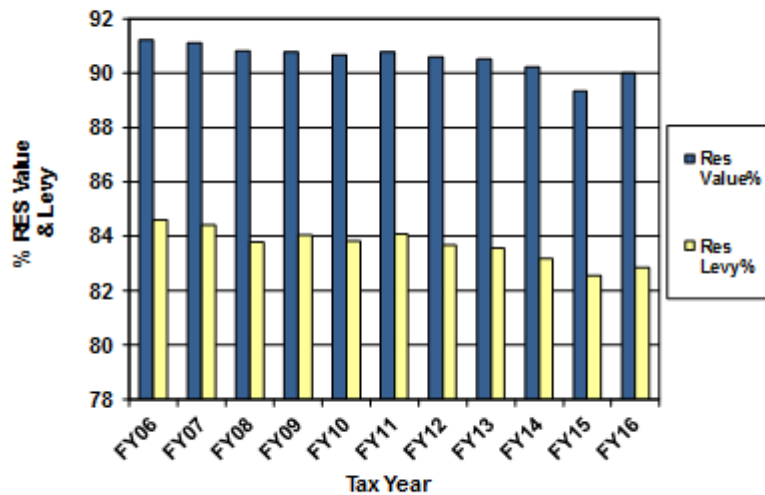
(2) Includes 111 Boylston St. Hotel

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## A. - 10

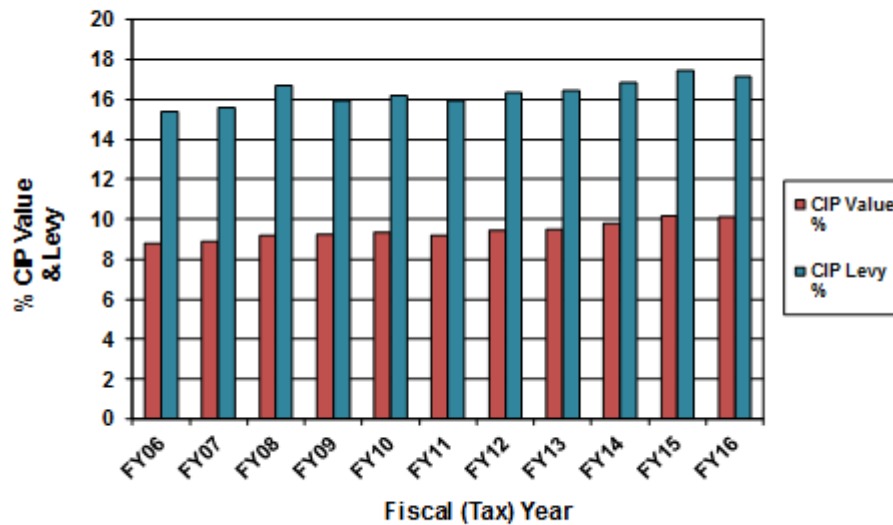
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### History of Res.% Value & Tax Levy



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### History of CIP% Value & Tax Levy

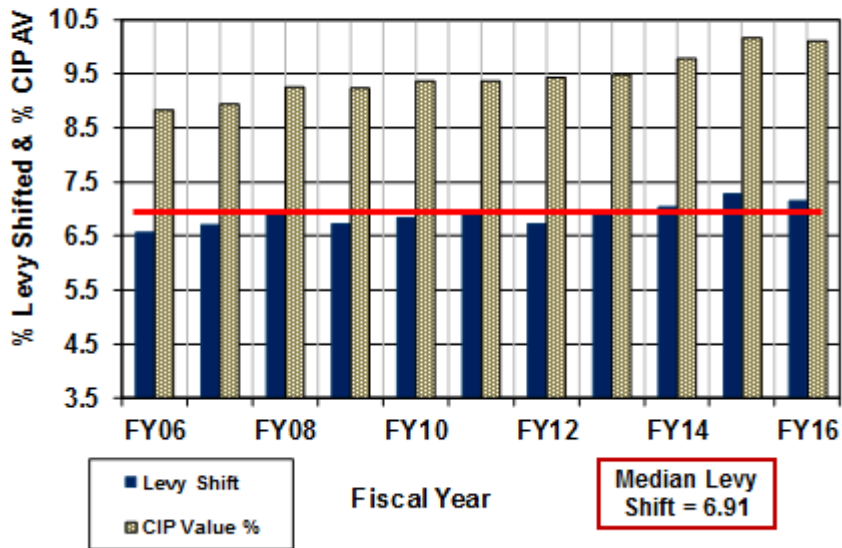


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## A. - 11

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### Levy Shift History/ CIP Value %



### Residential Exemption?

1. Total Residential Value = \$19,477,019,400 /
2. Total Residential Parcel Count; 16,962 =
3. Average Residential Value; \$1,148,274
4. Times the selected Exemption Factor; 20% =
5. Residential Exemption Value; \$229,655
6. Times the selected Residential Tax Rate =
7. Total Residential Exemption Tax Amount

Examples>



## Residential Exemption Amounts

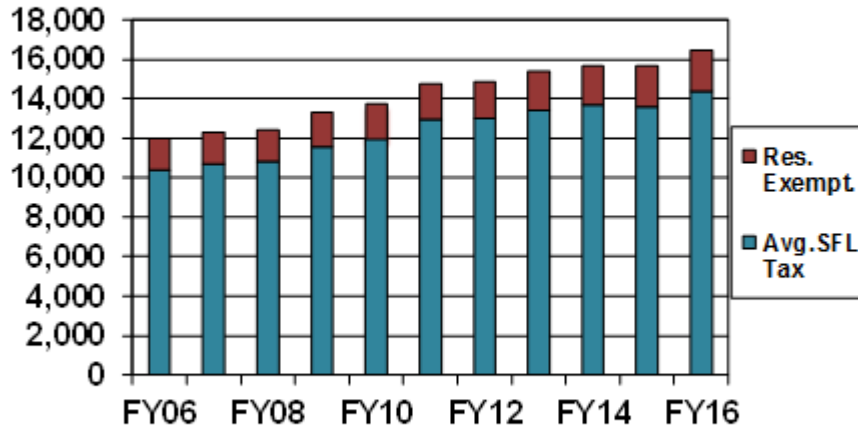
Classification	Tax Rate	Tax Amount
Single Tax Rate (No Shift)	10.75	\$2,469
170% CIP Shift - Residential Rate =	9.90	\$2,273
172% CIP Shift - Residential Rate =	9.88	\$2,269
175% CIP Shift - Residential Rate =	9.84	\$2,260



Fiscal Year	Exemption Amount
2016	\$2,183
2015	\$2,044
2014	\$1,995
2013	\$1,954

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## Average Single Family Tax\$ & Exemption History

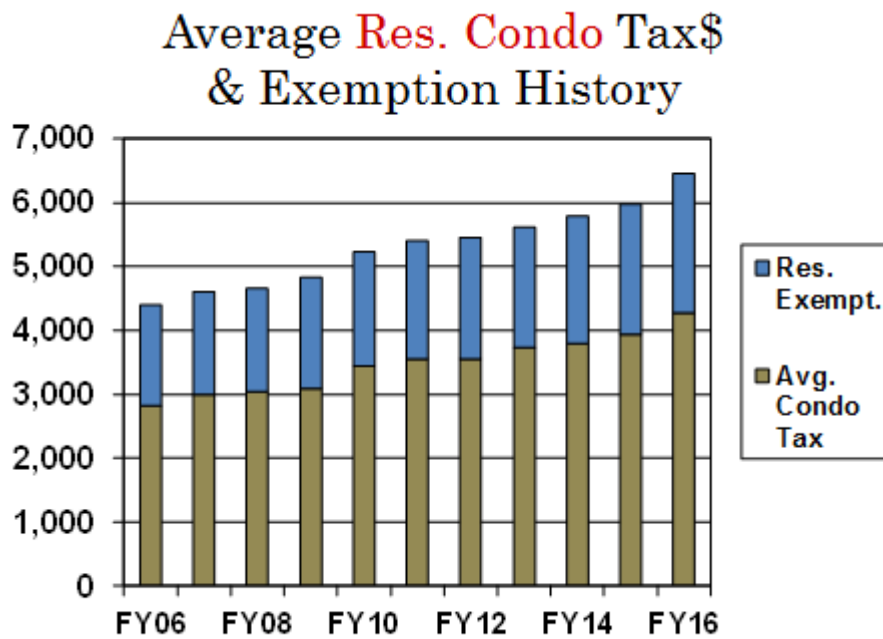


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### Single Family & Res. Cond. w/ Res. Ex

Med. SFL Value	\$1,182,545	1.70	1.71	1.72	1.73	1.74	1.75
Real Estate Tax	(84% RE)	11,713	11,699	11,685	11,670	11,656	11,642
Change over FY16	\$11,342	371	357	343	328	314	300
% Increase in Tax		3.3%	3.1%	3.0%	2.9%	2.8%	2.6%
Med. Res. Condo	\$377,495	1.70	1.71	1.72	1.73	1.74	1.75
Real Estate Tax	(58% RE)	3,739	3,735	3,730	3,725	3,721	3,716
Change over FY16	\$3,525	214	210	205	200	196	191
% Increase in Tax		6.1%	5.9%	5.8%	5.7%	5.6%	5.4%

See Tab 2, Sheet 20%

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### Two Fam. & Three Fam. w/ Res. Ex.

Med. Two-Family	\$1,212,345	1.70	1.71	1.72	1.73	1.74	1.75
Real Estate Tax	(68% RE)	12,008	11,994	11,979	11,964	11,950	11,935
Change over FY16	\$11,445	563	549	534	519	505	490
% Increase in Tax		4.9%	4.8%	4.7%	4.5%	4.4%	4.3%
Med. Three-Fam.	\$1,343,600	1.70	1.71	1.72	1.73	1.74	1.75
Real Estate Tax	(43% RE)	13,308	13,292	13,276	13,260	13,243	13,227
Change over FY16	\$12,884	444	428	412	396	379	363
% Increase in Tax		3.5%	3.3%	3.2%	3.1%	2.9%	2.8%

See Tab 2, Sheet 20%

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### Apartments & Commercial

Med. Multi-Fam./Apt.	\$2,707,200	1.70	1.71	1.72	1.73	1.74	1.75
Real Estate Tax	(8% RE)	26,815	26,782	26,749	26,717	26,684	26,651
Change over FY16	\$25,891	924	891	858	826	793	760
% Increase in Tax		3.6%	3.4%	3.3%	3.2%	3.1%	2.9%
Med. Commercial	\$1,607,850	1.70	1.71	1.72	1.73	1.74	1.75
Real Estate Tax		25,748	25,900	26,051	26,203	26,354	26,506
Change over FY16	\$25,058	690	842	993	1,145	1,296	1,448
% Increase in Tax		2.8%	3.4%	4.0%	4.6%	5.2%	5.8%

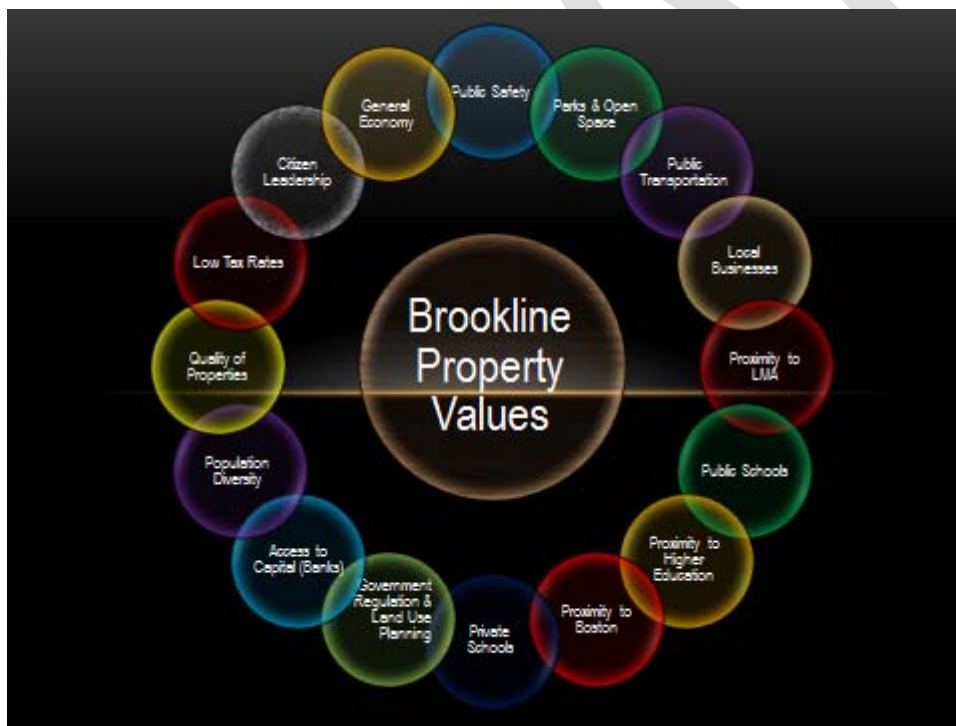
See Tab 2, Sheet 20%

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## FY16 Clause Exemptions

Category	No.	Amount
17D Surviving Spouse & Minors	5	\$1,400
22 (a-f) Veterans	63	\$63,783
37 Visually Impaired	36	\$33,244
41C Elderly	10	\$7,370
42 Surviving Spouse Police/Fire	1	\$6,659
Tax Deferrals (41A)	7	\$54,147
Senior Work-off Abatements	30	\$33,750
<b>Total All Classes</b>	<b>152</b>	<b>\$200,353</b>

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The Board discussed the residential exemption and noted that the number of qualified residents has dropped. Mr. McCabe noted that that reflects the number of investment properties rising.

The Board noted that this year communities have an option to raise the residential shift to 35%; historically the percentage in Brookline has been 20%. Board members felt that this higher rate would result in a shift of tax payments from one group of property owners to another. It was also noted that Brookline is one of the few communities that offer a residential exemption.

Town Meeting directed the Town to form a committee to review tax exemptions in efforts to provide some relief to some residents.

Public hearing: no speakers.

There was no vote at this time.

**455 HARVARD STREET - 40B ELIBILITY**  
**PUBLIC HEARING**

Public Hearing on the application of Harvard Danesh 455, LLC to MassHousing secure a determination of a 40B Eligible site at 455 Harvard Street.

Chairman Wishinsky stated that when an application for a 40b development is submitted to the State's subsidizing agency, the Selectmen solicit public comment to be incorporated in their letter to that agency. Currently there are 6 40b applications pending at the Zoning Board of Appeals (ZBA) and 4 pending at the State level, and one received today indicating a development at Waldo/Durgin with 320 units. This came with an invitation to engage with the developer for a different kind of project. When all the applications have gone through state application process, there will be 970 units, the Town needs 346 to reach the 10% affordable housing goal, and at that point we can say no to development attempting to bypass our zoning regulations through 40b.

40b is a blunt instrument passed in the late 60s in an attempt to create affordable housing. If a community has fewer than 10% of affordable housing stock, a developer can come to us with a project and ignore our zoning. Certain local needs can be taken into account to reduce a project; however 40b deveopment is hard to stop completely. We have been encouraging developers to engage with the town for something the residents can live with.

Jeff Engler, affordable housing consultant, stated that his firm has been involved in many 40b projects, some noted earlier; we feel strongly about our applications, and this Board has been very critical of 40b applications.

Chairman Wishinsky replied that the Board is not critical of all the 40b applications just some of the ones your company represents.

Mr. Engler stated that when we look at a project, we think about what we can do that the residents could be ok with, and we have had the benefit of that input. He understands that they are not

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representing a perfect project at this stage, but will reflect on a lot of comments we have heard. The façade and streetscape will reflect elements that we have heard are important to the town. We are hopeful to move forward.

Applicants David Danesh and Danny Danesh explained that their father bought the property at 455 Harvard Street in 2005. The property is conveniently located close to public transportation, and it used to be a gas station. At that time the Town asked them not to take the building down, so they did save the building which is now a restaurant. There have been a few restaurants there, and it has been a challenge to retain a long-term tenant due to the small kitchen size.

A PowerPoint was presented outlining the lot and curb cuts.

Peter Bartash representing Cube 3 Studio/Architects continued the presentation with an outline of the design. He stated that their goal is to make sure whatever is proposed is responding to the context, the building should feel like it belongs on the sight. The setbacks are designed to create a rich active and engaging community. The ground floor will house retail businesses. He reviewed the elevation of the building which is set higher on the Harvard Street side, and reducing the height at the back of the building. The development would have 17 units and at grade parking for 12 vehicles and 35 bicycles. The parking would be a stacking system.

Selectman Daly asked how close the building would be to the abutting resident on Thorndike Street.

Mr. Bartash replied 5 feet one inch from the property line of Starbucks. Selectman Daly added that she is more concerned about the resident's property and the presentation shows that it looms over this property.

Selectman Franco noted the stacked parking, and asked if that would be divided between the residential and commercial components.

Mr. Bartash replied they have not gotten to that point yet, it would be driven by demand; closing the current curb cut would provide 2 additional street parking spaces. The proposed stacking system would be semi-automated and would not require a full time attendant.

Chairman Wishinsky addressed underground storage tanks and potential hazardous waste, and noted that due diligence would be done since this site was formally a gas station.

Danny Danesh replied that the site was cleaned in 2006.

Chairman Wishinsky reviewed the application relating to parking revenue and noted some unanswered questions on the application. He also addressed the Hubway Bike System which is housed nearby. He asked if they would be willing to sponsor the program, because the program is expanding and in need of sponsorship.

The Board addressed the environmental issues, tree removal, employment opportunities and outdoor space.

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Public comment:

Steven Pendery, 26 Winchester St. said that the building has many merits in terms of location and pushing it out. He added that the firm involved in the 40 Centre Street project has refused to engage with the neighborhood and to reduce to scale down the building. This proposal is similar with the over-massing. It would be better with one less story.

Daniel Gamble spoke on behalf of his sister, the direct abutter. This proposed four story building would block all light into the house. She has been there since 1975, and it is not right to subject her to this. The plans may look good on paper but not if you are right next door.

Seth Lieberman, Columbia St. spoke in opposition of the development and noted that the owner has a right to commercially develop and profit from the property, but not at the expense of the public. This building is 2 stories too large, it will negatively impact traffic, and will not bring in significant tax revenues. This project does not fit the moral compass of Brookline and he and his neighbors will fight the project.

Kathy Sloat Shaw, 88 Thorndike St. spoke about problems she has had in the past with her basement filling up with odors and gases; there is a problem with the soil. She has contacted EPA and found there are discrepancies with the site and the cleanup that cause concern. She feels this is not a clean site environmentally.

Mr. Danesh, Owner replied that the site was closed and cleaned; he has a record of that.

Irene Sege, 41 Coolidge St. spoke about the need for buffer and breathing space, there is none at the back end of this building on Thorndike St. There are many neighboring projects that are diminishing green space. She also noted the lack of public engagement with the developers, unlike the development proposed by JCHE at 384 Harvard Street.

George White, 143 Winchester St. and TMM#9 noted that one good thing that has come of these developments is the introduction to Town officials and departments and an understanding of the municipal process. He has attended numerous meetings, and has united with his neighbors. He added concerns related to health and safety implications, and the fact that the intent of the 40b law is not reflected; it has not produced affordable housing as much as long term profit for the developers.

Chuck Swartz, 69 Centre asked that this project not be reviewed individually, but as part of the 6 developments ongoing in Coolidge Corner. He asked that the town be more involved in protecting the interest and characteristics of the neighborhoods. He referred to the Hancock Village project where the Town successfully negotiated and got a better project. The developer of 40 Centre St. has refused to speak with the neighbors, and would like neighborhood participation to be a condition with all 40b applications.

Steve Herscovici, 87 Thorndike St. noted that he learned about this meeting on a Facebook page, rather than in an official public setting. The applicants note that the façade will be consistent among Harvard Street. That does not appear so; this would be the tallest building in the area. He also expressed

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concern about the project being 5 feet away from the abutting home. There are some apparent inconsistencies with the application, and he is surprised it got this far in the process.

Steven Ault, 19 Shailer St. spoke in opposition of the project. He objects to developer steam rolling over the Town's zoning laws, and the Town allowing a series of ugly oversized buildings in our community. He supports affordable housing, but not this type of structure. Developers are trying to get the last morsels before the Town reaches its 40b limit. Coolidge Corner is being assaulted with overbuilding and the Town needs to stand up against it. None of the developments offer underground parking because that costs money, and instead are proposing cheap and cheesy designs on overbuilt projects in efforts to get in before the threshold is reached.

Colm McMahon, 45 Coolidge St. hopes that the state agency does their job, instead of the neighborhood doing it for them. This is a 4 story project surrounded by 1 story buildings; the setback is too close to the abutting property which causes potential safety issues and there are no meaningful buffer areas. The 40b process if not intended to be a free for all, rather reasonable development. We need to encourage the State Agency to stick to the guidelines instead of the citizens doing it.

Beth Kates, 105 Centre St. said she is tired of attending all these meetings; there are 6 buildings proposed in her neighborhood. The gas station site was built by right, and Mr. Danesh owns the Rubin's Deli property which may also fall into developers hands. This design lacks imagination and the proposed materials are cheap and lack quality. She urged the town officials to keep fighting against these developments like they did in South Brookline with Hancock Village.

Mark Rosen, Thorndike St. addressed the presentation that reflects significant green space; this green space is not possible with the setbacks. There is traffic from schools, etc. and this is a difficult intersection which this proposal will make worse. He spoke with someone at the DEP and was told that the site has not been cleared for children. There are concerns with the parking operations, the City of Boston prohibits its use after 10pm due to noise, and the site is not pedestrian friendly.

Alan Mullen, 82 Thorndike spoke in opposition, and addressed the setbacks and the lack of an egress on Thorndike St. The parking system would direct tenants to park on the street for short term, and there will be an increase in traffic and parking problems.

Caroline Buckley, Coolidge St. spoke in opposition of the project. The proposed scale is out of proportion especially in relation to the homes on Thorndike Street. Chapter 40b is supposed to consider the building type, and the set back of existing dwellings. The proposed height and minimal setback will result in an absolute loss of light to the neighbor. This proposal conveys a lack of understanding of the character of the neighborhood, and a lack of respect to the neighbors of JFK Crossing.

Mark Zuroff spoke on behalf of his client, the owner of the restaurant currently at the proposed site. The tenant is concerned about this lease and the fact that he has invested a lot of money into his restaurant, and fears he may be displaced. He added that 40b is a statute that exists, and unfortunately is a blunt instrument. At the time of its inception affordable housing prompted serious concerns. In particular relating to neighborhoods close to Boston referred to as urban spread; this has affected the town greatly. The ZBA considers each project separately, and listens to the neighbors' concerns. Some

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statements are disingenuous; we understand the concern of urban spread and act within the confines of the law.

Gina Crandall 117 Stedman spoke in opposition and would like for everyone to see how the project would look at street level. The presentation does not provide an adequate picture of how out of scale this building is with the neighborhood. Also, the town needs to look at the cumulative impact of all these projects, and we need to move quickly.

Selectman Daly said that these comments will be submitted to MassHousing, but the process continues with the ZBA and she encouraged everyone to attend those upcoming meetings.

Selectman Heller spoke about the abundance of projects happening in this area, and is putting a burden on the neighborhoods. Municipalities are not allowed to refer to school impact under 40b law, but we know there will be a significant impact on our schools. She stressed the importance of neighborhood participation and noted that the developers at 40 Centre Street have not been cooperative with the residents.

Chairman Wishinsky added that some of these projects may be at different State agencies. He said there is a list of current 40b applications, and addressed the process. Chairman Wishinsky also reviewed the concerns that will be submitted as a result of this hearing.

Danny Danesh noted that 40 Centre Street is not their development. He added that they did a development on Marion Street and worked with the town to scale down the project significantly. This property has been sought after by developers, and they are trying to work with the town, instead of selling the property. The inadequacies on the application will be reviewed.

Selectman Daly stated that she appreciates the top floor being stepped back, but has serious concerns relating to the neighboring property on Thorndike Street.

#### TOWN MEETING ACTION ITEMS

Question of assigning Selectmen to serve on committees created by actions at the 2016 Special Town Meeting.

Deputy Town Administrator Melissa Goff stated that some committees need to be formed as directed by the recent Town Meeting.

The following Selectmen will sit on the proposed committees as follows:

Article 29- training related to dangerous dogs – Selectman Bernard Greene.

Article 30 – posting of police reports - Selectman Bernard Greene

Article 33 – enhanced tax relief for senior homeowners with modest incomes – Selectman Ben Franco.

Article 34 – affordable senior housing using air rights over town-owned property – Selectman Nancy Daly.



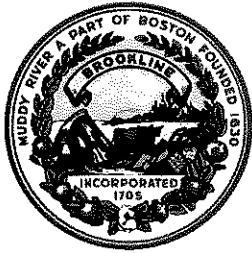
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There being no further business, the Chair adjourned the meeting at 10:30 p.m.

ATTEST

DRAFT





DANIEL C. O'LEARY  
CHIEF OF POLICE

**BROOKLINE POLICE DEPARTMENT**  
*Brookline Massachusetts*

December 1, 2016

To: Mr. Kleckner, Town Administrator

From: Daniel C. O'Leary, Chief of Police

Subject: GHBSB Grant (Governor's Highway Safety Bureau)


I am pleased to inform you that once again the Brookline Police Department has been awarded an Enforcement Grant for our participation in the Governor's Highway Safety Bureau (GHBSB) in the amount of \$3,000.00. This grant will be used for traffic enforcement and public information initiatives.

Award Letters for this grant have yet been sent out because they are waiting on some Federal Funding.

We also hope after the first of the year to receive two more related grants in the amount of \$6,000.00 and at that time will be asking for the same acceptance.

I would like to be scheduled to appear before the Board of Selectmen at their next meeting so that they may vote on the acceptance of this grant award.

Thank you.

  
Daniel C. O'Leary  
Chief of Police







# *Town of Brookline*

## *Massachusetts*

**Department of Planning and  
Community Development**

Town Hall, 3<sup>rd</sup> Floor  
333 Washington Street  
Brookline, MA 02445  
(617) 730-2130 Fax (617) 730-2442  
ASteinfeld@brooklinema.gov

**Alison C. Steinfeld**  
**Director**

To: Board of Selectmen

From: Virginia Bullock, Senior Housing Planner

Re: Hebrew Senior Life

Request for Resubordination of Loan

Date: December 6, 2016

In 2002, HSL purchased three large service-enhanced senior housing developments in Brookline (1550 Beacon Street, 100 Centre Street, and 112-120 Centre Street) in order to preserve them as affordable housing. Financial support from the Town, MassHousing, and DHCD made this purchase possible and ensured that at least 65% of these 516 units remain affordable until 2042.

Hebrew Senior Life is currently working through a multi-property recapitalization that has as its goal the improvement and upgrade of its Brookline properties as well as generating funds to make improvements at its Roslindale facility. As a first step, HSL is refinancing its property at 1550 Beacon Street.

At its September meeting, the Housing Advisory Board met to review HSL's request to maintain the Town's subordinate lien priority on their 1550 Beacon Street property under the new financing. This request was approved by the HAB, contingent on a partial repayment equal to one-third of the initial \$250,000 mortgage. It should also be noted that this vote will extend the affordability restriction for an additional nine years - until 2051. The HAB is now requesting that the Board of Selectmen approve the attached vote, which continues the Town's subordinate lien priority on Hebrew Senior Life's 1550 Beacon Street property under new financing from MassHousing and HUD.

Subsequent to refinancing the 1550 Beacon Street property, HSL plans to refinance and rehabilitate its other properties on Centre Street (first 112 Centre Street and then 100 Centre Street). It is anticipated that 112 Centre Street will require extensive renovation and possibly additional subsidy to maintain affordability. HSL is now engaged in a comprehensive design process that will include important work on the building envelope including windows and weather tight solutions to improve resident comfort and energy performance. The Housing Advisory Board expects to review a proposal from HSL regarding recapitalization of 112 Centre Street within the next few months.

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### Board of Selectmen Vote

- VOTE To authorize a partial repayment equal to one third (\$83,333.00) of the Town of Brookline's original loan (\$250,000.00), for the acquisition and financing of 1550 Beacon Street, Brookline, MA, to HCRA Brookline Housing 1550 Beacon Plaza, Inc., subject to the votes below.
- VOTE To extend the term of the Town of Brookline's existing Mortgage, Promissory Note, and Affordable Housing Restriction (all dated October 17, 2002) to December 31, 2051 to match the maturity date on the new first loan.
- VOTE To maintain the Town of Brookline's subordinate lien priority as set forth in the Agreement as to Subordinate Loans dated October 17, 2002, subject to the terms of the new first mortgage loan and existing loan from the Massachusetts Housing Partnership Fund Board.
- VOTE To authorize the Chair to execute the HUD Subordination Agreement, HUD Amendment to Restrictive Covenants, Allonge to Promissory Note and Loan Modification Agreement by the Town of Brookline in accordance with the terms of this vote.



## *TOWN of BROOKLINE*

### PUBLIC SAFETY BUSINESS OFFICE MEMORANDUM

**TO:** Melissa Goff, Deputy Town Administrator

**FROM:** Anthony M. Ansaldi, Jr., Public Safety Business Manager

**DATE:** November 14, 2016

**RE:** Reserve Fund Transfer

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During our departmental review of apparatus in preparation of the FY18 Capital Improvement Plan, a concern regarding our front line ladders were discussed. The Town's coverage for front line ladder trucks is two, consisting of 2016 KME (ladder 2) and 1995 Pierce (ladder 1). Ladder 2 was previously a spare but with departure of Tower 1 it was needed as a front line ladder. The previous plan for ladder trucks was replacing Tower 1 with a twin of ladder 2 in FY17. The problem is that the "new" ladder 1 has a turnaround time of minimum of 14 months before it is delivered to Brookline.

All of our ladder trucks go through annual testing, and every five years they have a non-destructive test performed on them. This year was the year for that non-destructive test on ladder 1 (1995 Pierce), Quint 4 (2010 Pierce) and reserve ladder 12 (1998 Pierce). The result of the test were minor issues needing addressed in Quint 4, immediate removal from service for reserve ladder 12 and immediate remedial action needed in ladder 1 with further test necessary but unable to perform due to the excessive buildup of rust on the frame rails. Considering the age, the dollar amount to fix the known repairs and the fact that the integrity of the frame rails was still in doubt, the Chief determined that ladder 1 too should be immediately placed out of service. This leaves the Town with ladder 2 (2016 KME) at station 1 and quint 4 (2010 Pierce) at station 5 and reserve engine 11 (1992 Pierce) for station 4. We expect by the time of the meetings to discuss this issue, reserve engine 11 will be replaced at station 4 with either reserve engine 14 (2004 Sutphen) or reserve engine 15 (2004 Sutphen).

The Fire Department believes that the Town would be best served by purchasing a used ladder truck that will be a front line ladder truck for the next 14 months until ladder 1 (2018 KME) arrives in town for which it will then serve as a reserve ladder. Finding a used ladder truck that fits the department's needs is challenging but we believe that we have located one. The truck we are looking to purchase is a 1998 Seagrave 100' aerial with a pre-piped waterway located in New York which has been well-maintained according to the dealer. On Tuesday November 29, the BrFD went to New York and went over the truck and came to the conclusion that this will serve our immediate need for a ladder. The purchase price for the vehicle is \$75,000.

We do believe that we need to take a look at the current refurbishment/replacement schedule as modifications maybe necessary due to the excessive corrosion that results from the North East winters. This will be looked at within the next 2-3 weeks and recommendations, if any, will be

## **5. - 2**

forwarded to the Town Administrator's Office and reported to both the Selectmen and Advisory Committee during our CIP annual review.

The Fire Department is requesting that the Board of Selectmen and Advisory Committee approve a reserve fund transfer for \$80,000 for the purchase of the used ladder truck and other ancillary expenses associated with the purchase.

Cc: Acting Chief Robert Ward  
Acting Chief of Operations Michael Sullivan  
Chief Mechanic, Charlie Driver



----- Forwarded message -----

From: **Neil Wishinsky** <[wishinsky.neil@gmail.com](mailto:wishinsky.neil@gmail.com)>

Date: Fri, Dec 2, 2016 at 2:44 PM

Subject: 40B Project Thoughts

To: "[BrooklineTMMA@yahoogroups.com](mailto:BrooklineTMMA@yahoogroups.com)" <[BrooklineTMMA@yahoogroups.com](mailto:BrooklineTMMA@yahoogroups.com)>

In light of the unprecedented number of 40B applications and the emerging conversation on the TMMA listserve and Facebook regarding the latest proposed 40B development at the site of the Waldo Durgin garage, I thought it would be useful to provide some facts as to where we are. This is a very frustrating situation for us all, especially for members of the ZBA (and staff) who are faced with actually having to process the applications and are constrained by the limitations imposed by Chapter 40B to represent and promote local concerns and interests.

First, while the owner of the Waldo Durgin garage is pursuing a 40B Project Eligibility Letter (PEL) he has agreed to participate in a process similar to what we did at Brookline Place and more recently at River Road to explore a mixed use project to include a hotel. I am hopeful that the discussions we had with Chestnut Hill Realty for Hancock Village has established a framework to have a productive, respectful but frank dialogue regarding the Waldo site. The Waldo site is an important site for the Town and for Coolidge Corner. I hope that you would agree that it is ripe for the right kind of development. Clearly, a 21 story building is unacceptable.

As you may also know, the Holiday Inn on Beacon Street was recently sold. We understand that an additional mixed use project will be proposed on the site of the Holiday Inn on Beacon St. The developer of this site has also agreed to participate with the Town in a cooperative planning process. We don't yet know what exactly is being proposed, just that something is coming.

We are in the process of forming a committee with broad representation to explore the possibilities of both sites with a goal of having a proposal ready for the November Town Meeting. The committee will operate under the Open Meeting law. So with respect to these two projects, I would suggest that you wait for the committee process to begin and see exactly what is being proposed and see how they can be improved.

That said, we need to take the Waldo 40B proposal seriously. The Selectmen will be holding a public hearing regarding the PEL application. The date has not been set yet.

With respect to the other 40B's, there are currently 6 projects in the ZBA pipeline totaling 497 units. Of this number, the Puddingstone (Hancock 2) totaling 226 units has been continued until next summer. Its status at that time will depend on what happens at the May Town Meeting.

There are an additional 4 projects with applications submitted to subsidizing agencies for PELs totaling 473 units including the 320 unit Waldo Durgin project .

You should also know that in late August the Town sought relief from the regulatory processing framework with Mass Department of Housing and Community Development (DHCD), which was not acted upon. The Planning Director and Town Counsel are planning to submit an updated and more detailed request for a waiver to DHCD and the three other subsidizing agencies (MassHousing, Mass Housing Partnership and MassDevelopment) and to consider other possibilities for relief from the number of filed and anticipated 40B applications in the immediate future. To the best of our knowledge, such a waiver has never been granted, but we remain hopeful.

So as we have learned, 40B is a blunt instrument. Due to a confluence of circumstances including the strong economy, the cost of land and the fact that the Brookline 40B window is closing, we are experiencing an unprecedented number of 40B applications that has significantly challenged our ability to handle them. One of the three so-called "safe harbor" thresholds focuses on the number of units without taking into account the number of projects in the pipeline. After all, a small 40B takes almost as much ZBA time and resources as a

large one. In our case, we have a combination of small, medium and large projects. This exception is unartfully drafted, in my view.

You should also realize that 40B requires that each project be considered individually and on its own merits which is what the Town and the ZBA are doing. I think everyone needs to be realistic about the need to try to negotiate where we can since just saying "no" to everything is not a realistic strategy under 40B.

I am placing a Board discussion of these issues on the agenda for the Board of Selectmen's meeting on Tuesday December 6. The agenda item will be on the calendar as follows:

**"Discussion among the Board of Selectmen on Strategies to Address the Influx of Chapter 40B Comprehensive Permit Applications and their Cumulative Impact."**

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.

To: Maria Morelli, Dept. of Planning and Community Development  
Joslin Murphy, Town Counsel  
Neil Wishinsky, Chair, Board of Selectmen

From: Linda Olson Pehlke, TMM Pct. 2

Re: 455 Harvard, 134-138 Babcock, 8-10 Waldo St.

It is clear that the pace and scale of 40B proposals in North Brookline is completely unprecedented and overwhelming. We cannot stand by and watch our historic architecture, commercial tax base and quality of life destroyed by greedy developers. I implore you to take any and all actions necessary to stop the granting of additional Project Eligibility Letters by MassHousing and MassDevelopment. The remainder of these comments will outline several concerns and lines of inquiry which have not been presented clearly in the Town's comment letters to MassHousing.

1) One of the **criteria used by MassHousing** to determine if a proposal will be granted a PEL is "is the site generally appropriate for residential development." Another is "Is the conceptual project design "appropriate" for the site"? Concerning the first of these criteria, the Town should object to the wholesale conversion of our commercial sites being transformed into rental housing. This process will have significant economic and quality of life consequences for the Town's budget and its citizens. Fewer and fewer shops, restaurants and services will significantly diminish the livability and community building benefits from local businesses.

Regarding the appropriateness of these proposals for the site, the project at 134-138 Babcock is clearly unsuitable, given the topography of the site. The large Victorian home at 134 Babcock is sited at the top of a hill. The parcel drops down significantly at the rear property line. The front, side and rear set-backs give visual and spatial relief from the boxy three story building to the north. But more important are the potential loss of light, sky and air from a looming structure at the top of the hill, which is several stories above the homes to the rear of the site on Stedman St. For these reasons, a case can be made to say that the proposal is NOT appropriate for this site.

2) **Municipal actions on affordable housing.** In addition to the Housing Production Plan, our existing inclusionary zoning, our many multi-family housing areas and the new BHA housing at Dummer St. and the recent agreement around new housing at Hancock Village, the Town should also tout the new Emerald Island Special District zoning. This is a case where the Town significantly increased the allowable density, eliminated minimum parking requirements and incentivized new micro unit housing and live/work, all with the potential to add significantly to the inventory of housing for young professionals, singles, etc. which is more affordable due to small size and limited parking.

3) **Pro-forma analysis.** I believe the Town must get more aggressive on our scrutiny of costs and profits from these proposals. It should be noted that many of the projects seem to use the same architect (Cube 3) and 40B consultants. These cookie-cutter designs are not site specific, do not take context into account and clearly, my replicating the same design for multiple

applications, the proponents are saving considerable expense. The other question is the assumptions around rental income for the market-rate units. Clearly, these rents will escalate, giving what seems to be a growing and profitable income to the project proponents. We should be pressing for sensitive, site specific designs that are in harmony with their surroundings. We should also be looking carefully at the % of affordable. 80% of area median income is still pretty pricy. Wouldn't it be better to press for the higher level of 50% median income affordable units.

**4) Cumulative Impacts and Pace of 40B projects.** Brookline is seeing an unprecedented number of proposals concurrently. This imposes a significant burden on the Town in a number of ways. A) The cumulative effects of a large influx of unplanned for population, traffic, service impacts, lack of open space and of course schools. If the Town is expected to accept such a large increase in population, such an increase needs to be planned for. We do not have a chance to do that. B) Our town staff and volunteer boards are overwhelmed and the burden these incessant applications pose is significant. I fear we are not capable of giving each project the thoughtful and thorough consideration it needs due to the overwhelming speed and volume of projects. C) Clearly the same architect and 40B consultants are "making the rounds". The result are cookie-cutter buildings which all have first floor parking which is terrible for street life, pedestrians, etc. and the resulting design is inappropriate in most settings. D) The Town has decried the lack of parking for some of the proposals. This is wrongheaded. Renters have fewer cars than owners. The more parking the larger the building and the worse the traffic impacts. Please stop asking for more parking. Instead, let the market decide and incentivize residents who reflect townwide vehicle ownership rates, which is what the proposals have done. E) There are more than 1,000 units in the pipeline, this far exceeds the amount needed to reach 10%. It would seem appropriate to ask for a moratorium on new PEL's until we see how many units get built from the current proposals. F) We need to stress the long-term significant impacts to Town finances of converting commercially zoned parcels to residential. This fact alone should disqualify some of the projects which are located in our commercial areas.

Thank you for your efforts on behalf of the Town.

To Town Meeting Members –

Many TMMs are expressing considerable and justifiable concern about unwelcome Chapter 40B development in Brookline and what the Town can do about blunting the adverse impact of excessive, intrusive new projects, especially in North Brookline.

Rather than trying to respond to many individual TMMA messages, please let me share with you—as long-time chair of the Housing Advisory Board—some information and experience regarding Brookline and Chapter 40B. I hope that you find it relevant and helpful. What follows includes some perspectives that may or may not reflect those of other individual HAB members.

### **Follow-up to May 2015 Town Meeting Resolution relating to Chapter 40B**

In May 2015, Town Meeting passed a Resolution that recognized and sought to address the emerging local challenges presented by several local Chapter 40B proposed projects. The Article itself was triggered by the smallest such project on Crowninshield Road, but one that neighborhood residents saw as needlessly intrusive. The dual purpose of the Article, as presented, was (1) to advance affordable housing production in Brookline toward the Town's and State's 10% goal in the most suitable possible way, while (2) protecting the Town's established residential neighborhoods from intrusive and inappropriate development projects.

Selectman Heller and I and others worked together on that Article, which as presented had two key pieces:

1. Apply available tools, such as the development of a Housing Production Plan (HPP) that would fulfill State requirements. When approved by the State's DHCD, our HPP would provide an explicit avenue toward restoring local project approval to Town boards and restrict the State's authority to override local zoning—even prior to the Town's reaching the State's 10% affordable housing threshold.

After a longer-than-anticipated process of procuring a consultant, community engagement and report preparation, Brookline's HPP in September was approved by the Selectmen and then in November approved by the MA DHDC.

What limited new powers does that give the Town?

With a State-approved Housing Production Plan, the State's Chapter 40B Housing Appeals Committee (HAC) will no longer reverse any Town ZBA rejection of a 40B developer application IF AND WHEN Brookline issues permits in any one calendar year for proposed Chapter 40B project(s) that contain at least ½ of 1 percent of the Town's total housing stock (26,200 units). In other words, if/as soon as in calendar year 2017 the Town issues 40B development permits amounting to at least 131 Chapter 40B eligible units, then for 12 months forward from that point in time, any new Chapter 40B projects that developers may submit will not be subject to the State overriding on appeal our local zoning and ZBA rejection of such applications.

The above is what's known as a 'Temporary Safe Harbor'; that is, it's intended by the State to provide some limited relief for towns that are progressing rapidly toward the 10% 'Permanent Safe Harbor' goal, pursuant to a well-conceived production plan that meets State specifications.

This 131 unit minimum-required annual production bogey for a temporary safe harbor was never feasible to achieve in Brookline until recently—the main reason being that, in order to incentivize development of rental housing, the 40B statute gives 100% credit for all units in RENTAL housing projects, even though only 20-25% of such units are truly affordable for low-moderate income renters. This contrasts with 40B condominium projects, where state credit is given only to the 20-25% of truly affordable units. All of the 40B project applications currently in process in Brookline at present are for rental housing—which is a critical factor that's allowing the Town to benefit from the above-described 40B safe harbor rules.

So, one important question to ask at present is “What combination of proposed 40B projects currently ‘in the queue’, if and when approved and permitted in 2017, will add up to at least 131 units in order that the Town can safely downsize or reject any new 40B applications that may be received during the 12 month period immediately following?” And then, if that temporary safe harbor were to be achieved sometime in 2017, a corollary question to ask: “When will other 40B projects also ‘in the queue’ (and therefore still subject to the State overriding a local rejection) be approved and permitted that contain enough additional total units for Brookline to reach the 10% safe harbor threshold?”

Achieving the 10% safe harbor threshold (2,620 total affordable units counted in the peculiar manner prescribed by Chapter 40B that includes market rate rental units) . . . that achievement will then restore to the Town its full local authority to approve, modify and reject proposed developments pursuant to our local zoning by-law. However, reaching the 10% does NOT restore such local power with regard to any 40B application that is already in process.

NOTE: The two types of 40B ‘safe harbor’ provisions that would restore full zoning authority to the Town, as described above, should not be confused with another 40B provision that does NOT restore local zoning authority, but rather, provides only for some temporary relief against a processing overload at the ZBA and other local boards. If/when 40B applications received and in process reach  $\geq 2\%$  of the Town's total housing stock (about 524 units); our ZBA can push the ‘pause button’ on opening any additional hearings on new 40B apps received. However, these new apps are only held in abeyance until the ZBA backlog is reduced to  $< 2\%$ --at which time they have a right to be heard and can seek State approval if rejected locally—even if the Town has achieved the 10% permanent or 0.5% temporary safe harbor while they've been waiting.

2. Judith Leichtner's TMMA email correctly recalls that the May '15 TM Resolution regarding Chapter 40B, in addition to recommending a Housing Production Plan, also included a second piece: Appropriate Town officials were asked to reach out to other similarly built-out municipalities and explore possible collaboration in approaching state regulators and seeking some reasonable relief that would recognize the special circumstances of older built-out communities which had also demonstrated serious commitment and progress toward the State's 10% local affordability goal.

Let me report to you on our follow-up to that request, which was led mainly by Joe Viola in the Planning Department and myself – even though our efforts produced no actionable results.

Our initial outreach was to thirteen near-Boston communities having BOTH relatively dense populations (about 3,000 persons/sq. mile) and also having at least a 5% affordable housing inventory relative to Chapter 40B's 10% goal. Brookline has 8,400 persons/sq. mi. with a State-credited affordable housing inventory of about 8.6%. An outreach letter was sent by our Town Administrator and Planning Director to their two respective counterparts in Peabody, Everett, Winthrop, Melrose, Newton, Waltham,

Woburn, Medford, Wakefield, Watertown, Arlington, and Stoneham. Joe and I also made follow-up calls to some non-respondents.

The only enthusiastic reply we received was from Arlington, with tepid support from a couple of others. No interest from Newton. The expressed appetite to collaborate appeared insufficient to justify the considerable effort required to move forward on that front. Likewise, there was no indication that state regulators would welcome and react to such pleadings (see more below).

From unfolding evidence on the ground since this outreach effort, Brookline appears to be uniquely besieged by 40B development applications, both small and large, relative to the towns and cities we contacted (though neighboring Allston/Brighton is experiencing severe pressures from large new rental housing developments even though 40B is not a factor there). Our current batch of 40B apps probably reflects a combination of a very hot in-and-near Boston rental housing market and fact that Brookline is nearing the 10% threshold after which the 40B state zoning override window will be closed and new, unwelcome 40Bs will not happen.

## **Prior Brookline effort to secure needed Chapter 40B reform**

Let me also share with you a prior Brookline 40B-related experience and effort to secure some common sense state regulatory relief. I hope you'll find this relevant to our situation today. Also, this prior, unsuccessful experience by just one community is what led to our adding the peer group community outreach piece of last year's 40B TM Warrant Article.

In 2003, responding to growing and vocal local concerns (though not then from Brookline), a state-level committee was named by then-Governor Romney for the express purpose of exploring/seeking reforms of the Chapter 40B statute and/or regulations. The committee was chaired by Jane Wallis Gumble, then DHCD Director. Committee members included a number of State Senators and State Reps interested in housing; representatives from real estate/developer groups, e.g., MA Homebuilders and Greater Boston Real Estate Board; state-level affordable housing and community development organizations, e.g., CHAPA, MA Association of CDC's, Mass Housing Partnership, and several housing consultants and attorneys.

Brookline was then, and still is, viewed by DHCD as a model community with regard to the Town's varied and successful efforts to create and preserve affordable housing. Also then and now, however, we were struggling to advance much beyond the 8% level relative to the State's 10% affordable housing goal. Our Comp plan and progress on the ground was averaging about 25 new affordable units per year, mostly in small scale development, including inclusionary zoning requirements. Unfortunately, Brookline's affordable housing commitment and progress and favorable reputation with the State has counted for little when it comes to our local, vs. the State's authority to reject or approve any given 40B application.

Then as now, the State's one-size-fits-all formula requiring—for Brookline—new housing production of at least 131 creditable units per year seemed unreasonable and insensitive to the realities of older, built-out communities such as Brookline. The Chapter 40B reform committee's proceedings on Beacon Hill seemed like fertile ground to make this case to an open-minded group with a charge and power to implement exactly the type of reform that a communities such as Brookline and its peers deserved. Accordingly, the HAB developed a specific 40B reform proposal that would address these concerns, which we submitted to the Board of Selectmen (then chaired by Deb Goldberg), with a request for

approval to take the plan to Beacon Hill and see if we could gain any traction up there. The BOS approved this request, and we then proceeded to engage with the State Chapter 40B reform committee. Our experience in presenting and advocating for what became known as “the Brookline Plan” before the 40B reform committee and some of its interested members individually was quite enlightening—though not encouraging—both then, and in terms of what we are facing here in town today.

The essence of the Town’s proposal was quite simple: It requested an alternative, more flexible, annual production formula for built-out cities and towns that could also demonstrate significant minimum progress toward the 10% goal (we suggested 7%). The closer a municipality was to the 10% goal, the lower would be the annual minimum production required to secure the temporary ‘safe harbor’ protection as described above.

Some elected representatives, in one-on-one discussions of the ‘Brookline Plan’ (not sure if that name helped!), confirmed that this particular type of reform made sense. However, in the open committee discussions, housing developer representatives argued vigorously against any such proposal, including the ‘Brookline Plan’ that would reduce in any way total new construction volume that would be authorized under the existing 40B statute and regs. “Nose in the Tent”, “Slippery Slope”—no surprise there. Most discouraging, however, was the expressed support of this developer push-back from some of the statewide affordable housing groups . . . to even modest relaxation of 40B stipulations that could slow, even a little, the maximum rate of new construction under the existing law and regs. The ‘Brookline Plan’ was not rebuffed on its merits; but it became clear that the alliance between developer and state-level affordable housing organizations would block any 40B reforms of the type needed and sought by Brookline. That situation and impediment to 40B reforms of the type that would help Brookline may still prevail today.

## **2010 statewide Ballot Initiative to repeal Chapter 40B**

In 2010, activists in a number of cities and towns facing unwanted Chapter 40B development succeeded in gathering sufficient signatures to place on the statewide ballot a referendum question that would have repealed outright Chapter 40B, including the Commonwealth’s power to override local zoning. The ballot question’s sponsors were mainly from non-built-out communities with very little record of commitment or achievement of affordable housing creation. Their concerns, e.g., retention of rural character/low density were quite opposite to Brookline’s, both then and now. Not feeling threatened by what’s occurring now and with a strong commitment to both economic diversity and affordable housing, Brookline in 2010 voted overwhelmingly against the 40B repeal ballot question.

No affordable housing supporter would want to see outright repeal to such a successful program--the law has been in effect since 1969, and despite its imperfections, has been a model for several other states. Yet, based upon what I observed on Beacon Hill several years earlier, it may not be unreasonable to think that the only hope (politically) for serious, community-sensitive 40B reform might have come from passage of this question—such a strong message might have persuaded an otherwise unwilling legislature to enact reforms that would continue to advance affordable housing statewide, but with greater sensitivity to legitimate local conditions and concerns. Ballot questions, once passed, can and have been modified by the legislature.

How ironic that a progressive, groundbreaking affordable housing law that often is referred to by the expression that depicts its core purpose—“anti-snob zoning”—is causing a Town such as Brookline to be facing arguably the most intrusive concentration of 40B developments statewide. Of all communities in the Commonwealth, it would be hard to find one that is less guilty of “anti-snob zoning”.



As for the Town's present dilemma, an energetic, intelligent and broad-based community effort ought to achieve the best possible outcome—the same dual goal as expressed by TM's 2015 Resolution: Suitably scaled affordable housing development that does not intrude upon and disrupt our existing residential neighborhoods. When such a suitable plan is proposed, as they say, "we know it when we see it".

Roger Blood, Chair  
Housing Advisory Board





# Town of Brookline

## *Massachusetts*

### BOARD OF SELECTMEN

NEIL A. WISHINSKY, Chairman  
NANCY A. DALY  
BENJAMIN J. FRANCO  
NANCY S. HELLER  
BERNARD W. GREENE

MELVIN A. KLECKNER  
Town Administrator

333 WASHINGTON STREET BROOKLINE  
MASSACHUSETTS 02445

(617) 730-2200  
FAX: (617) 730-2054  
[www.BrooklineMA.gov](http://www.BrooklineMA.gov)

### DATE

Jessica L. Malcolm  
Comprehensive Permit Program  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, MA 02108

RE: Proposed 40B—455 Harvard Street--Brookline  
MH ID No. 884

Dear Ms. Malcolm:

Thank you for the opportunity to provide comments on the application for Site Approval submitted by Harvard Danesh 445, LLC to develop a mixed-use project under GL Chapter 40B at 455 Harvard Street, Brookline. The applicant is proposing to construct a four-story mixed-use building with retail and parking on the ground floor plus three levels of residential units consisting of 17 apartments, four of which will be affordable. The building is to be located on a former gas station site within a commercial strip abutting a residential neighborhood in the JFK Crossing section of Coolidge Corner.

The Board of Selectmen has requested comments from municipal departments, boards and commissions and held a public hearing on November 29<sup>th</sup> to solicit input from interested parties in town. Since there was insufficient time for a comprehensive review and additional information is still needed before the review can be completed, a more intensive evaluation will be conducted during the Comprehensive Permit process if a Project Eligibility Letter (PEL) is issued and the applicant submits a Comprehensive Permit application.

The Board fully anticipates that municipal departments, boards and commissions may identify other issues following a detailed review of the application as well as additional

## 8. - 2

information, and the Board of Appeals will likely seek traffic, parking, architectural and environmental peer reviews. However, based on the information before us, the Selectmen are submitting the following preliminary comments on the proposal:

- The Town of Brookline supports the provision of affordable housing and has focused significant resources on expanding housing opportunities for vulnerable populations. Attached is a summary of recent efforts by the Town to retain, improve and expand the availability of affordable housing. Also attached is a memorandum from Brookline's Housing Advisory Board.
- Although located on a commercially zoned property within the heart of the JFK Crossing section of Coolidge Corner, the proposed project abuts a residential neighborhood consisting of single and two-family homes. The lack of reasonable setbacks—particularly from the residential abutter—is disconcerting and must be addressed. While the Town supports the expansion of housing opportunities in Brookline, it is categorically unfair to expect the Town to meet that public responsibility by sacrificing the quality of life of one property owner. We do, however, anticipate that the ZBA's architectural peer reviewer and the developer's architect will be able to effect the necessary improvements.
- Virtually no open space or landscaping is being provided. The developer should incorporate usable open space for all residents and introduce landscaping to improve the visual appearance of the property and its relationship to the residential area.
- The property was a former gas station and is located within immediate proximity of two operating gas stations. We understand from the applicant that he has conducted environmental due diligence and will be submitting all documentation to the Town. We fully anticipate that the ZBA will engage a Licensed Site Professional to provide peer review of that documentation to confirm the environmental status of the property. However, we respectfully request that MassHousing direct the applicant to submit all documentation to you during the PEL process and that MassHousing review the material and incorporate findings into your decision-making.
- Since several Comprehensive Permit applications currently pending before the ZBA have introduced parking stackers into their plans, the ZBA is developing expertise in this technology. Therefore, the Selectmen defer to the ZBA, with support from its parking peer reviewer, to evaluate the effectiveness of this proposal. We encourage the applicant to work closely with the ZBA, staff and peer reviewers to insure that the parking system is appropriate for the proposed development and does not result in queuing onto Thorndike Street or blocking the sidewalk.
- While concerned that not enough parking for the residents is being incorporated into the project, the Board is particularly concerned that the developer is not proposing any parking for either patrons or employees of the retail space. Public parking is at a premium in Coolidge Corner. No developments, be they proposed under Chapter 40A or 40B, should rely on public spaces to meet demand associated with the private development.
- The Board feels strongly that affordable tenants should not be charged for parking.

## 8. - 3

- The Board is confident that the ZBA, applicant and their respective technical consultants will address any potential safety issues relative to vehicles entering and exiting the garage.
- The Board of Selectmen respectfully suggests that MassHousing determine the status of the current restaurant tenant and insure that the interests of the tenant are protected.

Significant concerns were raised at the Board of Selectmen's public hearing on this application for a determination of project eligibility. Attached are copies of written comments submitted to the Board of Selectmen. Neighborhood residents, many of whom have been dealing with the deluge of 40B applications within the general area, raised objections to the inappropriate massing and scale in relationship to the neighborhood, the oppressive relationship of the proposed building to the abutting residential home on Thorndike, the threat to the existing restaurant's existence, inadequate residential and commercial parking within the site, noise associated with a parking stacking system, and the inordinate and inequitable concentration of 40B developments within one neighborhood.

The ZBA will subject this proposal to a robust analysis including an examination of stackers, site circulation, setbacks, parking distribution and amount for each use, sight lines, and environmental issues associated with the prior use as a gas station. In order to facilitate the ZBA's review, the Board of Selectmen strongly recommends that the applicant address the above issues and submit the following information prior to or as part of an application to the Town's Board of Appeals, if a PEL is issued:

- an actual or virtual 3D model of the proposed project showing abutting and nearby buildings
- a site plan showing abutting buildings with setbacks of the proposed building to its property lines and to abutting buildings
- site sections through the building
- a traffic and parking circulation study, including the impact that this project will have on the availability of existing on-street parking in the immediate area.
- a staking on the lot of the building's footprint to illustrate its size and setbacks prior to the ZBA's site visit
- a comprehensive shadow study
- a storm water and drainage report
- all documentation relative to the environmental condition and status of the property, if that documentation has not already been submitted
- a waiver list in tabular form

The Board further recommends strongly that, in addition to the noticed public hearings to be conducted by the ZBA, the developer meet with the neighbors individually or in groups to identify their concerns, engage in a genuine dialogue and seek to address their issues. The Planning Department is available to facilitate those meetings.

The Board also recommends that the applicant meet with the Fire Chief as soon as possible to identify and address any fire safety issues and with the Director of Transportation and Engineering to review the adequacy of the proposed scopes of both the traffic-parking-circulation and stormwater-drainage reports.

The Board of Selectmen maintains that this project presents the potential to serve as a

signature mixed use development that links a residential neighborhood with a commercial area. Further, the Board is confident that the developer will work with the Town to modify the proposal to create a prototype for good 40B development by improving its relationship to the residential neighborhood.

Although we anticipate that the developer will work with the Town, the Board of Selectmen respectfully requests that MassHousing, consistent with other PELs issued by your agency, expressly encourage the developer to collaborate with the Town to achieve an improved project. Hopefully, MassHousing will condition site eligibility approval, if any, on the applicant's cooperative engagement with the Town.

If a PEL is issued, the Town looks forward to working with the developer and its architectural team to refine the proposal during the review. Town staff is available to meet with the applicant prior to any formal process in order to answer any questions or expand on the comments above.

Thank you for your consideration.

Sincerely,

Neil A. Wishinsky  
Chairman

Attachments: Affordable Housing in Brookline  
Memorandum from Housing Advisory Board

cc: Melvin Kleckner, Town Administrator  
Alison Steinfeld, Planning Director

## MINTZ LEVIN

Seth A. Davidson | 202 434 7447 | sadavidson@mintz.com

701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-434-7300  
202-434-7400 fax  
www.mintz.com

November 11, 2016

Via Email

Neil Wishinsky, Chair, Board of Selectmen  
c/o Peter Epstein  
Town of Brookline, Town Hall  
333 Washington Street  
Brookline, MA 02445

RE: *Radiate Holdings, LP and Yankee Cable Partners, LLC – Application for Franchise Authority Consent to Transfer of Control of RCN Telecom Services of Massachusetts, LLC*

Dear Mr. Epstein:

I am writing to address certain questions raised during and following the November 1, 2016 hearing of the Town of Brookline Board of Selectmen regarding the above-referenced Application for Transfer of Control. While certain of these questions are not directly related to the transferee's financial, managerial, technical and legal qualifications, we are providing the requested information in order to assist the Town in its prompt review and action on the pending Application.

*(1) Please specify the local personnel who will be responsible for managing and operating the Brookline system under Radiate.*

As indicated at the hearing, the experienced team from Patriot Media that currently manages the system under a contract with the current owner will continue to manage the system following the close of the transaction. Moreover, I can confirm that there is no intention to make changes in the local management and operational personnel. The following local personnel currently manage the Brookline system and will continue to do so under Radiate:

- Jeff Carlson, Senior Vice President and General Manager
- Tom Steel, Vice President and Regulatory Counsel
- Pete Jablonsky, Director of Network Operations
- Paul Panagopoulos, Marketing Director
- Thomas Hamilton, Business Manager
- Peter Ficarri, Director of Commercial Sales

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

BOSTON | LONDON | LOS ANGELES | NEW YORK | SAN DIEGO | SAN FRANCISCO | STAMFORD | WASHINGTON

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*(2) Per Section III, Question #1 of the FCC Form 394, please certify in writing that Radiate has "...sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months."*

Attached is a statement by Michael LaGatta, Vice President of Radiate Holdings GP, LLC, the general partner of Radiate Holdings L.P., certifying that Radiate and its subsidiaries have sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months.

*(3) Please explain (i) why the Purchase Agreement in Exhibit 1 is heavily redacted and (ii) the nature and categories of those redactions.*

Consistent with the instructions accompanying Section I, Part I, 2(a) of the applicants' FCC Form 394, the applicants have redacted "Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available" from the copy of the Purchase Agreement.

Per your request, below is a list of all redactions made to the Purchase Agreement.

Exhibit A

1. RCN Detail Working Capital Positions. **Fully Redacted.**

Exhibit C

1. Yankee Parent Audited Consolidated Financial Statements

**Fully Redacted.** Consolidated Statements of Operations for the Years Ended December 31, 2015, 2014 and 2013

**Fully Redacted.** Consolidated Statements of Cash Flows for the Years Ended December 31, 2015, 2014 and 2013

**Fully Redacted.** Consolidated Statements of Members' Equity (Deficit) for the Years Ended December 31, 2015, 2014 and 2013

Notes to Consolidated Financial Statements. The **following were redacted:**

1. Significant components of property, plant and equipment as well as average estimated lives
2. Selling, General and Administrative Expenses
3. Stock-Based Compensation
4. Derivative Instruments and Hedging Activities
5. Company's assets and liabilities measured at fair value on a recurring basis



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6. Charts listing intangible assets, other assets, long term liabilities, and long term debt
7. Descriptions and existence of Credit agreement, Bond Payable, Derivative Instruments And Hedging Activities, Management Services Agreement, Member's Equity And Stock Plans, Letters of Credit, Employee Benefit Plans, Commitments and Contingencies, Guarantees, Self-Insurance.

2. Yankee Parent Unaudited Consolidated Financial Statements

**Fully Redacted.** CAUTIONARY STATEMENT REGARDING FORWARD-LOOKING STATEMENTS

**Fully Redacted.** Unaudited Consolidated Statements of Income for the three months ended June 30, 2016 and 2015

**Fully Redacted.** Unaudited Consolidated Statements of Income for the six months ended June 30, 2016 and 2015

**Fully Redacted.** Unaudited Consolidated Statements of Cash Flows for the three months ended June 30, 2016 and 2015

**Fully Redacted.** Unaudited Consolidated Statements of Cash Flows for the six months ended June 30, 2016 and 2015

**Fully Redacted.** Unaudited Consolidated Statement of Members' Deficit as of June 30, 2016

Schedule I

2016 Capex Budget. (Certain words were redacted)

**Additional Schedules to Membership Purchase Agreement**

The headers were unredacted but the information in the following schedules was **redacted**. If parentheses are included then only what is within the parentheses was redacted:

- a. Schedule 3.4 - Financial Statements
- b. Schedule 3.5 - Consents and Requisite Governmental Approvals; No Violations, (Other consents)
- c. Schedule 3.6(a) - Material Contracts
- d. Schedule 3.7 - Absence of Changes
- e. Schedule 3.12 - Intellectual Property (some of the litigation listed here)
- f. Schedule 3.14 - Insurance
- g. Schedule 3.15 - Tax Matters [all but one line was redacted]
- h. Schedule 6.1 - Conduct of Business of the Company

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- i. Schedule 6.12 - Termination of Agreements
- j. Annex A – Customers
- k. Annex B - Video Programming Agreements

*(4) Please explain the nature and current status of the liens listed in Schedule 1.1 to the Purchase agreement.*

Schedule 1.1 to the Membership Interest Purchase Agreement attached to the FCC Form 394 lists several “Permitted Liens” with RCN Telecom Services of Massachusetts, LLC identified as the “Debtor.” The following updates information regarding these liens:

FILE NUMBER AND FILE DATE	SECURED PARTY	DEBTOR	PURPOSE
20121096850 03/22/2012	Cummings Properties, LLC	RCN Telecom Services of Massachusetts, LLC (formerly known as RCN BecoCom, LLC)	Purpose: Commercial real estate property
200760416620 12/12/2007  201296428350 06/11/2012	Cummings Properties, LLC	RCN Telecom Services of Massachusetts, LLC (formerly known as RCN-BecoCom, Inc.)	Purpose: Commercial real estate property
044060005256 01/18/2011	Commonwealth of Mass. Dept. of Revenue	RCN Telecom Services of Massachusetts, LLC (formerly known as RCN BecoCom, Inc.)	Purpose: Sales Tax on Services <b>Paid as of 9/2013</b>
61631 /573 04/18/2013	Commonwealth of Mass Dept. of Unemployment Insurance	RCN Telecom Services of Massachusetts, LLC (formerly known as RCN BecoCom, Inc.)	Purpose: Unemployment Insurance <b>Paid as of 5/17/2015</b>

*(5) Please explain how the Board of Selectmen, as Issuing Authority, can make an informed decision about the transfer without complete and accurate financial information about the transferee, Radiate Holdings, LP.*

The redacted financial information does not relate to the transferee and additional financial information beyond what was provided in the Form 394 with respect to the transferee is not necessary to provide assurances that the system will have sufficient funding to continue operations. The system is being acquired through a combination of bank loans and private equity, the details of which are described in the Form 394. Ongoing operations will be funded by the systems themselves, and as a backstop, the transferee has secured commitments for a five-year \$150 million senior secured revolving facility to support future liquidity needs of RCN.

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November 11, 2016  
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*(6) Please update the Issuing Authority about the status of the current RCN case that is before the Appellate Tax Board.*

RCN is currently waiting for the Appellate Tax Board's final decision in the case.

*(7) Please explain in detail the following statement in the September 7, 2016 cover letter to the Issuing Authority from RCN and Radiate: "Both companies believe that the transaction offers tremendous prospects for continued enhancements to the system and services available to cable customers in the Town of Brookline." Please detail such "continued enhancements" and "services available".*

As noted at the hearing, the transferor (and its parent company) has decided to exit the cable business. The sale of its cable properties, including RCN Telecom Services of Massachusetts, LLC, to the transferee will benefit customers in the Town of Brookline by ensuring that certain enhancements to the Brookline system that might not otherwise take place or be maintained if service was abandoned or if the system was sold to a different purchaser, will in fact be implemented. Moreover, the sale to transferee will ensure that the dominant provider of cable service to the community will continue to face aggressive competition and thus be spurred to make its own service improvements. An example of a significant service improvement that transferee will implement is the roll-out, scheduled for next year, of DOCSIS 3.1, which will provide customers with faster Internet speeds. Other service improvements that benefit customers and that will be continued by transferee include:

- Integrated Netflix service and access to other streaming video sites and apps through set top boxes;
- TV Everywhere;
- HD-quality PEG service;
- Excellent customer service that has led to RCN being named PC Magazine's Reader's Choice for Best ISP the past two years.

*(8) Please confirm that RCN is in compliance with Section 4.1 of the current Brookline RCN Renewal License, dated March 4, 2008. How many requests for service pursuant to this requirement has RCN received from Brookline residents? Of those requests, how many of such residents have actually received RCN service?*

RCN confirms it is in compliance with Section 4.1 of the current Brookline Renewal License. In 2015 -2016 Austin Faison escalated five requests for RCN service to Tom Steel's attention for special consideration given high cost factors. In all of the cases the cost of construction was significantly higher than the \$750 set out in the cable license and in all but one the residents did not consider the option of paying the added cost to receive service.

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Neil Wishinsky  
November 11, 2016  
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We look forward to receiving Brookline's approval and working with the Town in the future. For your convenience, attached is a copy of the draft resolution of approval that was included with the Form 394 filing.

If you have any further questions, please do not hesitate to contact me.

Sincerely,  
/s/ Seth A. Davidson

Seth A. Davidson

Enclosure

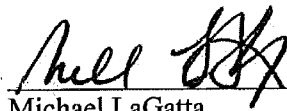
cc: Tom Steel

## CERTIFICATION

I, Michael LaGatta, hereby certify that:

- (a) I am Vice President of Radiate Holdings GP, LLC.
- (b) I am authorized to make this declaration on behalf of Transferee Radiate Holdings, L.P.
- (c) Transferee Radiate Holdings, L.P. and its subsidiaries have sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months.

I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_\_ day of November, 2016.

  
\_\_\_\_\_  
Michael LaGatta  
Vice President, Radiate Holdings GP, LLC

**BROOKLINE BOARD OF SELECTMEN  
DECEMBER 6, 2016**

**RCN TRANSFER MOTION**

**MOVED:** The Brookline Board of Selectmen hereby vote to approve the transfer of control of the current RCN Cable Television Renewal License, dated March 4, 2008, held by RCN Telecom Services of Massachusetts, LLC, from Yankee Cable Partners, LLC to Radiate Holdings, LP.



**Building Commission  
(As of 12/5/16)**

**MEMBERS:**

Janet Fierman, Chair.....Term expires 2018

Nathan Peck.....Term expires 2018

Karen Breslawski.....Term expires 2017

George Cole.....Term expires 2016 (Seeking reappointment, interview 12/6/16)

Kenneth Kaplan.....Term expires 2016 (Seeking reappointment, interview 12/13/16)

---

**Possible vote to be taken on 12/6/16:**

**Reappoint George Cole**



**Conservation Commission  
(As of 12/5/16)**

**MEMBERS:**

Marcus Quigley, Chair.....Term expires 2018

Matthew Garvey, Vice Chair.....Term expires 2017

Werner Lohe.....Term expires 2017

Deborah Myers.....Term expires 2016 (Seeking reappointment, interview 12/6/16)

Roberta Schnoor.....Term expires 2018

Pallavi Kalia Mande.....Term expires 2018

Pam Harvey.....Term expires 2019

**ASSOCIATE MEMBERS:**

Marian Lazar.....Term expires 2017

---

Possible vote to be taken on 12/6/16:

Reappoint Deborah Myers





**Human Resources Board  
(As of 12/5/16)**

**MEMBERS:**

Edward DeAngelo, Chair.....Term expires 2016 (Seeking reappointment, interview TBD)

Gerald Raphel.....Term expires 2016 (Seeking reappointment, interview 12/6/16)

Beth Venti.....Term expires 2015

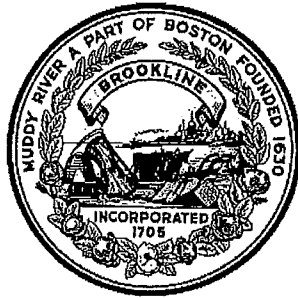
Lori Cawthorne.....Term expires 2015

Dana Teague.....Term expires 2017

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Possible vote to be taken on 12/6/16:

Reappoint Gerald Raphel



**Park and Recreation Commission  
(As of 12/5/16)**

**MEMBERS:**

John Bain, Chair.....Term expires 2016 (Seeking reappointment, interview 12/6/16)

Nancy O'Connor, Vice Chair.....Term expires 2017

Clara Batchelor.....Term expires 2017

James Carroll.....Term expires 2018

Daniel Lyons.....Term expires 2017

Antonia Bellalta.....Term expires 2018

Jean Stameris.....Term expires 2016 (Not seeking reappointment)

---

Possible vote to be taken on 12/6/16:

Reappoint John Bain

4 Interviews for 1 open position (vote to be taken on 12/13/16):

Randolph Meiklejohn (Interview 12/6/16)

Richard Nangle (Interview 12/6/16)

Stewart Silvestri (Interview 12/6/16)

Wendy Sheridan (Interview 12/13/16)



**Preservation Commission  
(As of 12/5/16)**

**MEMBERS:**

David King, Chair.....Term expires 2016 (Seeking reappointment, interview 12/6/16)

Wendy Ecker..... Term expires 2016

Elton Elperin, Vice Chair.....Term expires 2017

James Batchelor.....Term expires 2017

Paul Bell.....Term expires 2017

Rosemary Battles Foy.....Term expires 2018

Peter Kleiner.....Term expires 2018

Kristin Gamble Bridier, Alternate.....Term expires 2016

Giti Ganjei Saeidian, Alternate.....Term expires 2017

---

Possible vote to be taken on 12/6/16:

Reappoint David King



**Tree Planting Committee  
(As of 12/5/16)**

**MEMBERS:**

Hugh Mattison, Chair.....Term expires 2018

Nadine Gerdt.....Term expires 2017

Liz Erdman.....Term expires 2016 (Seeking reappointment, interview 12/6/16)

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**Possible vote to be taken on 12/6/16:**

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**Reappoint Liz Erdman**

**9<sup>th</sup> Elementary School at Baldwin Project Oversight Committee*****Slate of Membership as of December 6, 2016***

- |  |  |
|--|--|
| 1. Co-Chairs (3):  | Nancy Daly, Board of Selectmen<br>David Pollak, School Committee<br>Janet Fierman, Building Commission |
| 2. Park and Rec Commission Member:   | Clara Batchelor  |
| 3. School Parent Community Representatives                                 | John Co (to be approved 11/22/16)<br>David Gacioch (to be approved 11/22/16)                           |
| 4. Greater Baldwin Neighborhood Representatives:                           | Steve Brooks<br>Blair Hines  |
| 5. The Town Administrator or designee:                                     | Melvin Kleckner  |
| 6. The Building Commissioner or designee :                                 | Daniel Bennett   |
| 7. The Superintendent of Schools:  | Andrew Bott  |
| 8. The Deputy Superintendent of Schools for<br>Administration and Finance: | Mary Ellen Dunn  |
| 9. The Deputy Superintendent of Schools for<br>Teaching and Learning:      | Nicole Gittens   |
| 10. A School Principal Representative:                                     | Annie Sevelius   |
| 11. A Member of the Advisory Committee                                     | Michael Sandman (to be approved 12/6/16)   |

**Building Committee for the 9<sup>th</sup> Elementary School at Baldwin**

- There shall be established a Building Committee for the 9<sup>th</sup> Elementary School at Baldwin. In keeping with recent practice on the Devotion School project, this committee shall be modeled using the MSBA Building Committee guidelines as a starting point. The Committee shall consist of a member of the Building Commission, Board of Selectmen and School Committee, each selected by their designated boards, who together shall serve as co-chairs of the Committee. The other members of the Committee shall be as listed below. The Board of Selectmen, working with the Town Administrator and staff, shall provide candidates to fill the Park and Recreation Commission representative and the two greater Baldwin neighborhood positions. The School Committee, working with the Superintendent and staff, shall provide candidates to fill the two school parent community positions. The Superintendent shall designate the school principal representative. The slate of members shall be ratified by the Board of Selectmen and the School Committee.
  - 1 member of the Park and Recreation Commission
  - 2 persons representing the school parent community (School Council or PTO)
  - 2 persons representing the interests of the greater Baldwin neighborhood.
  - The Town Administrator or designee
  - The Building Commissioner or designee
  - The Superintendent of Schools
  - The Deputy Superintendent of Schools for Administration and Finance
  - The Deputy Superintendent of Schools for Teaching and Learning
  - A School Principal Representative
- The Building Committee shall advise and support the Building Commission, Board of Selectmen and School Committee in connection with their authority and responsibilities for the construction and alteration of town buildings and structures under Article 3.7 of the General By-Laws of the Town of Brookline. The Building Committee shall also be the main body responsible for engaging and informing the public on the project.
- The Building Committee shall work with the Project Manager and consultants in support of the project. The Project Manager shall attend all the meetings of the Building Committee and serve as the Committee's staff person.
- The Building Committee shall be concerned with all aspects of the project including budget, schedule, safety, public relations, coordination of town agencies, logistics, and contract compliance.